

APPRAISAL AND SALE OF VASHON ISLAND MILITARY RESERVATION.

JANUARY 25, 1921.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SUMMERS of Washington, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 14065.]

The Committee on the Public Lands, to whom was referred H. R. 14065, a bill providing for the appraisal and sale of the Vashon Island Military Reservation, in the State of Washington, and for other purposes, begs leave to report the same with amendments and recommends that as amended the bill do pass.

The committee recommends amendments as follows:

1. Page 1, line 3, after the word "the," insert the words "Secretary of the Interior shall cause the lands in the."
2. Page 1, line 6, strike out the word "and."
3. Page 1, lines 6 and 7, strike out the words "be caused by the Department of the Interior."
4. Page 2, lines 2 and 3, strike out the words "for all or a part of the year preceding the date of approval of this act" and insert in lieu thereof the words and figures "on May 1, 1920."
5. Page 3, lines 8 and 9, strike out the words "date of revocation of lease by the War Department" and insert in lieu thereof the words and figures "May 1, 1920."
6. Page 3, lines 14 and 15, strike out the words "any lands needed for lighthouse or roadway purposes may" and insert in lieu thereof the following words: "The Secretary of the Interior in making the survey provided for by this act shall ascertain what part of said lands, if any, are needed for lighthouse or roadway purposes, and any lands needed for such purposes shall."

So that as amended the bill will read:

A BILL Providing for the appraisal and sale of the Vashon Island Military Reservation in the State of Washington, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall cause the lands in the Vashon Island abandoned military reservation in sections one, two, and three, all in township twenty-one north, range two east, Willamette meridian, in the county of

King, in the State of Washington, to be surveyed and subdivided into tracts and lots to conform as far as practicable to the tracts and lots lawfully occupied by the tenants thereon, as lessees or sublessees on May 1, 1920.

SEC. 2. That after said survey and the approval thereof by the Commissioner of the General Land Office the plat thereof shall be filed in the office of the register and receiver in the manner provided by law, and thereafter any lawful lessee in actual occupancy on May 1, 1920, of any portion of the lands described in section 1 hereof who made actual settlement thereon in good faith under the terms of said lease by the War Department, or a sublease thereunder on said date, or the heirs or assigns of such lessee or sublessee, shall be entitled to purchase for the appraised value one of such surveyed tracts so occupied, no right of purchase of such lessee or sublessee to extend the tract actually occupied and improved by him or her on May 1, 1920, and in no case exceeding twenty acres in a body, according to Government surveys and subdivisions thereof, upon the payment to the Government of a sum of money equal to the appraised value thereof, such appraisal to be made as provided by law: *Provided*, That in making such appraisal the appraisers shall not include the improvements thereon made by the occupants of such lands: *Provided further*, That payment to the Government may be made in one sum, or one-tenth cash and the balance in nine equal annual installments, with interest at 5 per centum per annum, payable annually, as the purchaser may elect.

SEC. 3. That if any tract of the lands described in section 1 hereof be not purchased by the lessee or sublessees, his heirs or assigns, as provided in section 2 of this act, within ninety days after the same becomes subject to purchase under the provisions of this act, then and in that event the Secretary of the Interior is hereby authorized to dispose of the remaining lands under the provisions of the act of Congress of July 5, 1884, entitled "An act to provide for the disposal of abandoned and useless military reservations," and the said lessees, sublessees, heirs or assigns, in occupancy of lawfully leased tracts on May 1, 1920, who do not purchase such tracts shall have the privilege of removing from their tracts any buildings placed thereon, and the Secretary of the Interior is authorized to reappraise any unsold tracts from time to time before offering the same for sale under said act of July 5, 1884.

SEC. 4. That the Secretary of the Interior in making the survey provided for by this act shall ascertain what part of said lands, if any, are needed for lighthouse or roadway purposes and any lands needed for such purposes shall be segregated or reserved for such use, and the lands so segregated or reserved shall not be subject to disposal hereunder.

The bill directs the Secretary of the Interior to cause the lands within Vashon Island Military Reservation to be surveyed and subdivided into tracts and lots. After approval of the survey by the Commissioner of the General Land Office, persons in actual occupancy of the premises shall be entitled to purchase tracts occupied by them, but not to exceed 20 acres. Lands not purchased by the occupants are to be sold by the Secretary of the Interior under the provisions of the act of July 5, 1884, entitled "An act to provide for the disposal of abandoned and useless military reservations."

The Vashon Island Military Reservation is located on Vashon Island, at the southerly end of Puget Sound, in the State of Washington. The reservation contains about 480 acres and was reserved for military purposes by Executive order dated June 9, 1868. It has never been used for military purposes. For several years past it has been held by James Bachelor under five-year revocable leases from the Secretary of War, the latest lease having been executed January 31, 1919, covering a period of five years from February 5, 1919, at an annual rental of \$505.50. This lease was revoked by the War Department May 10, 1920. By Executive order dated May 12, 1920, the reservation was abandoned by the War Department and jurisdiction over it was transferred to the Secretary of the Interior.

During the period that the land was leased from the War Department by James Bachelor the latter sublet various tracts to various private individuals for use as permanent or summer homes. Sublessees on May 1, 1920, were W. A. Fairweather, Fred C. Smith,

Helen Rasmussen, Sarah Holgerson, R. K. Beymer, L. H. Place, J. A. Denholm, and Bert Lewis. Most of these sublessees have occupied their tracts for many years past. They have erected dwellings and other buildings, have built fences, cleared land, planted orchards and gardens, and improved roads and trails. They now desire to acquire title to the tracts they have occupied and improved, and this bill is presented for the purpose of affording them a preference right to purchase. Otherwise they would be liable to be dispossessed upon sale of the premises under the provisions of the general law for the disposition of abandoned military reservations (act of July 5, 1884). The occupants are entitled to the benefits resulting from their labors on their individual tracts, and the bill seeks solely to preserve such benefits to them by giving them an opportunity to purchase the ground they have themselves improved.

The matter of the disposition of Vashon Island Military Reservation has been before Congress for several years. During the Sixty-second Congress a bill (S. 5608) providing for the abandonment of Vashon Island Military Reservation passed the Senate but failed of consideration in the House. During the Sixty-third, Sixty-fourth, and Sixty-fifth Congresses bills of a similar tenor were introduced in the House of Representatives, but on account of the pressure of war legislation and by reason of the fact that the abandonment of the reservation and the disposition of lands were coupled together in one bill, no action was taken. Similar bills have been enacted relating to abandoned military reservations located near the Vashon Island Military Reservation. During the Sixty-fourth Congress there was passed the act of July 3, 1916, which provided for the disposition of lands in "abandoned military reservations Nos. 23 and 24." During the Sixty-fifth Congress there was passed the act of March 3, 1919, which provided for the disposition of lands in the Gig Harbor abandoned military reservation. The bill H. R. 14065 is almost identical in terms with the latter act.

Correspondence further explaining the terms of the bill is appended:

DEPARTMENT OF THE INTERIOR,
Washington, May 29, 1920.

Hon. N. J. SINNOTT,

Chairman, Committee on Public Lands, House of Representatives.

MY DEAR MR. SINNOTT: By your letter of May 17, 1920, you transmitted for report a copy of H. R. 14065, entitled "A bill providing for the appraisal and sale of the Vashon Island Military Reservation, in the State of Washington, and for other purposes." The bill provides for the survey and appraisement of the Vashon Island abandoned military reservation in secs. 1, 2, and 3, T. 21 N., R. 2 E., Willamette meridian, King County, Wash., the survey to conform as far as practicable to the tracts and lots lawfully occupied by tenants thereon as lessees or sublessees on May 1, 1920, and that thereafter any lawful lessee in actual occupancy "for all or a part of the year preceding the date of approval of this act" who made actual settlement in good faith under the terms of said lease by the War Department or a sublease thereunder, or the heirs or assigns of such lessee or sublessee, shall be entitled to purchase for the appraised value one of such surveyed tracts so occupied, no right of purchase of such lessee or sublessee to exceed the tract actually occupied and improved by him or her, on May 1, 1920, and in no case exceeding 20 acres in a body, upon payment of the appraised price in one sum, or one-tenth cash and the balance in nine equal annual installments, with interest at 5 per cent per annum.

Section 3 authorizes the public offering, under the act of July 5, 1884 (23 Stat., 103), of any tracts not thus purchased by the lessee, sublessee, his heirs or assigns, such public offering to be after the expiration of 90 days from date same becomes subject to purchase. Section 3 further provides that the said lessees, sublessees, heirs, or

assigns in occupancy of lawfully leased tracts on the "date of revocation of lease by the War Department" who do not purchase such tracts, shall have the privilege of removing from their tracts any building thereon.

Section 4 provides that any lands needed for lighthouse or right of way purposes may be segregated or reserved for such use and the lands so segregated or reserved shall not be subject to disposition.

The reservation in question was created by Executive order of June 9, 1868, and embraced lots 1, 2, 3, NW. $\frac{1}{4}$ SW. $\frac{1}{4}$ sec. 1; lots 1, 2, 3, 4, 5, NE. $\frac{1}{4}$ SE. $\frac{1}{4}$ S. $\frac{1}{4}$ NE. $\frac{1}{4}$ W. $\frac{1}{4}$ NW. $\frac{1}{4}$ NE. $\frac{1}{4}$, N. $\frac{1}{4}$ NW. $\frac{1}{4}$, and SE. $\frac{1}{4}$ NW. $\frac{1}{4}$, sec. 2; lot 1, sec. 3, T. 21 N., R. 2 E., Willamette meridian, Washington, containing 633.60 acres. However, lot 3 and the NW. $\frac{1}{4}$ SW. $\frac{1}{4}$, sec. 1, and the NE. $\frac{1}{4}$ SE. $\frac{1}{4}$, sec. 2, said township and range, containing 128.70 acres, was patented to Jared S. Hurd November 1, 1865, based on the location of military bounty warrant 101-408, and lot 5, sec. 2, said township and range, containing 25.50 acres, were patented to Jared S. Hurd November 1, 1865, based on cash entry 363, made by him June 6, 1864. The reservation, therefore, was effective only as to the remaining tracts, not underscored, containing 479.40 acres.

I am informally advised that by Executive order of May 12, 1920, the President transferred jurisdiction over the said reservation to this department for disposition under existing law. Said order has not yet been received here. I am also informally advised that on May 1, 1920, the War Department canceled the leases theretofore existing under which one James Bachelor occupied said reservation and sublet portions of it to other tenants. No papers concerning the matter have yet been received from the War Department and I have no information as to the number of persons occupying the land in said reservation under said lease or subleases on May 1, 1920, the conditions surrounding such occupancy, or the area so occupied by the respective occupants.

I may state further that I have no information as to what, if any, lands may be needed for lighthouse purposes.

The bill is similar to the act of March 3, 1919 (40 Stat., 1319), making similar provisions as to the disposition of lands in the Gig Harbor abandoned military reservation in secs. 5 and 8, T. 21 N., R. 2 E., Willamette meridian, Washington, except that the preference right of purchase was limited to 10 acres to each person. The bill is also in some respects similar to the act of July 3, 1916 (39 Stat., 342), providing for the disposition of abandoned military reservations Nos. 23 and 24, Gig Harbor, Wash., the preference right to purchase under that act being limited to 20 acres to each person.

Inasmuch as it appears to be the intention of the bill to limit the right to purchase to those in lawful occupancy on May 1, 1920, it is suggested that the word and figures "May 1, 1920" be inserted in the bill in lieu of the words "for all or a part of the year preceding the date of approval of this act," in lines 2 and 3, page 2, and inasmuch as it appears that the lease in question was revoked by the War Department on May 1, 1920, that the word and figures "May 1, 1920," be inserted in the bill in lieu of the words "date of revocation of the lease by the War Department" in lines 8 and 9, page 3.

If Congress sees fit to grant the persons mentioned in the bill, amended as suggested, the right to purchase the lands occupied and improved by them, not exceeding 20 acres, with the right of the Government to sell all lands not so purchased, I have no objection to urge to the passage of the bill.

Cordially, yours,

JOHN BARTON PAYNE, *Secretary.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE PUBLIC LANDS,
Washington, D. C., January 14, 1921.

THE ADJUTANT GENERAL,
United States War Department, Washington, D. C.

DEAR SIR: I shall be under obligations if you will favor me with—

1. A copy of the Executive order (presumed to have been dated May 12, 1920) by which the President transferred to the Interior Department jurisdiction over the Vashon Island Military Reservation, in the State of Washington.

2. A list of sublessees, if available, holding under James Bachelor's lease of the Vashon Island Military Reservation, dated January 31, 1919; also the size of the various tracts held by sublessees, if known to the department.

3. A statement showing the date of revocation of James Bachelor's lease of the Vashon Island Military Reservation.

The above information is desired by this committee in connection with its consideration of the bill H. R. 14065, entitled "A bill providing for the appraisal and sale of the Vashon Island Military Reservation, in the State of Washington, and for other purposes."

Yours, very truly,

N. J. SINNOTT, *Chairman.*

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, January 20, 1921.

Hon. N. J. SINNOTT,
House of Representatives.

DEAR SIR: With further reference to your letter of the 14th instant, in which it is requested that you be furnished with a copy of the Executive order transferring to the Interior Department jurisdiction over the Vashons Island Military Reservation in the State of Washington, and also a list of sublessees holding under James Bachelor's lease of that reservation dated January 31, 1919, and the size of the various tracts held by sublessees, I have the honor to inclose herewith copy of the Executive order requested, dated May 12, 1920.

The lease granted to James Bachelor under date of January 31, 1919, covering the military reservation on the south side of Vashons Island, in King County, Wash., was canceled on the 10th day of May, 1920, and there is no information available showing who the sublessees holding under James Bachelor were on January 31, 1919, or at any time, nor is there any data showing the size of the tracts held by any sublessees.

Very respectfully,

P. C. HARRIS,
The Adjutant General.

EXECUTIVE ORDER.

Under the authority of section 1 of the act of July 5, 1884 (23 Stat., 103), it is hereby ordered that all lands in fractional sections 1, 2, and 3 of township 21 north, range 2 east, Willamette meridian, on the south end of Vashon Island, at the Narrows of Puget Sound, Wash., which were set apart from the public domain and declared a reservation for military purposes by Executive order dated June 9, 1868, the same having become useless for military purposes, be, and are hereby, placed under the control of the Secretary of the Interior for disposition as provided in the above act or as may be otherwise provided by law.

WOODROW WILSON

THE WHITE HOUSE,
12 May, 1920.

The general law providing for the disposition of abandoned military reservations (act of July 5, 1884) is as follows:

ABANDONED MILITARY RESERVATIONS.

AN ACT To provide for the disposal of abandoned and useless military reservations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever, in the opinion of the President of the United States, the lands, or any portion of them, included within the limits of any military reservation heretofore or hereafter declared, have become or shall become useless for military purposes, he shall cause the same or so much thereof as he may designate, to be placed under the control of the Secretary of the Interior for disposition as hereinafter provided, and shall cause to be filed with the Secretary of the Interior a notice thereof.

Sec. 2. That the Secretary of the Interior may, if in his opinion the public interests so require, cause the said lands, or any part thereof, in such reservations, to be regularly surveyed, or to be subdivided into tracts of less than forty acres each, and into town lots, or either, or both. He shall cause the said lands so surveyed and subdivided, and each tract thereof, to be appraised by three competent and disinterested men to be appointed by him, and who shall, after having each been first duly sworn to impartially and faithfully execute the trust reposed in them, appraise the said

lands, subdivisions, and tracts, and each of them, and report their proceedings to the Secretary of the Interior for his action thereon. If such appraisement be disapproved, the Secretary of the Interior shall again cause the said lands to be appraised as before provided; and when the appraisement has been approved, he shall cause the said lands, subdivisions, and lots to be sold at public sale, to the highest bidder for cash, at not less than the appraised value thereof, nor less than \$1.25 per acre, first having given not less than sixty days' public notice of the time, place, and terms of sale, immediately prior to such sale, by publication in at least two newspapers having a general circulation in the country or section of county where the lands to be sold are situate; and any lands, subdivisions, or lots remaining unsold may be reoffered for sale at any subsequent time in the same manner, at the discretion of the Secretary of the Interior; and if not sold at such second offering for want of bidders, then the Secretary of the Interior may sell the same at private sale for cash, at not less than the appraised value, nor less than \$1.25 per acre: *Provided*, That any settler who was in actual occupation of any portion of any such reservation or settled thereon prior to January 1, 1884, in good faith for the purpose of securing a home and of entering the same under the general laws and has continued in such occupation to the present time, and is by law entitled to make a homestead entry, shall be entitled to enter the land so occupied, not exceeding one hundred and sixty acres in a body, according to the Government surveys and subdivisions: *Provided further*, That said lands were subject to entry under the public land laws at the time of their withdrawal * * *.

SEC. 3. That the Secretary of the Interior shall cause any improvements, buildings, building materials, and other property which may be situate upon any such lands, subdivisions, or lots not heretofore sold by the United States authorities to be appraised in the same manner as hereinbefore provided for the appraisements of such lands, subdivisions, and lots, and shall cause the same, together with the tract or lot upon which they are situate, to be sold at public sale to the highest bidder for cash at not less than the appraised value of such land and improvements, first giving the sixty days' notice as hereinbefore provided; or he may, in his discretion, cause the improvements to be sold separately at public sale for cash at not less than the appraised value, to be removed by the purchaser within such time as may be prescribed, first giving the sixty days' public notice before provided; and if in any case the lands and improvements, or the improvements separately, as the case may be, are not sold for want of bidders, then the Secretary of the Interior may, in his discretion, cause the same to be reoffered for sale, at any subsequent time, in the same manner as above provided, or may cause the same to be sold at private sale for not less than the appraised value: *Provided*, That where buildings or improvements have been heretofore sold by the United States authorities the land upon which such buildings or improvements are situate not exceeding the smallest subdivision or lot provided for by this act upon the reservation on which said buildings are situate shall be offered for sale to the purchaser of said improvements and buildings at the appraised value of the lands, and if said purchaser shall fail for sixty days after notice to complete said purchase of lands the same shall be sold under the provisions of this act * * *.

SEC. 4. That the provisions of the act of August 18, 1856, relative to military reservations in the State of Florida, and the sixth section of the act of June 12, 1858, relative to the sale of military sites be, and same are hereby, repealed.

SEC. 5. Whenever any lands containing valuable mineral deposits shall be vacated by the reduction or abandonment of any military reservation under the provisions of this act, the same shall be disposed of exclusively under the mineral land laws of the United States.

SEC. 6. The Secretary of War shall have authority, in his discretion, to permit the extension of State, county, and Territorial roads across military reservations; to permit the landing of ferries, the erection of bridges thereon; and permit cattle, sheep, or other stock animals to be driven across such reservation, whenever in his judgment the same can be done without injury to the reservation or inconvenience to the military forces stationed thereon.

Approved, July 5, 1884 (23 Stat., 103).